

Message Text

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43

ACTION EB-11

INFO OCT-01 EUR-25 IO-14 ISO-00 FRB-03 OMB-01 TAR-02 SP-03

SWF-02 AGR-20 AID-20 CIAE-00 COME-00 INR-11 LAB-06

NSAE-00 OIC-04 RSC-01 SIL-01 STR-08 TRSE-00 CIEP-03

CEA-02 AF-10 ARA-16 EA-11 NEA-14 DRC-01 /190 W

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R 031340Z SEP 74

FM USMISSION GENEVA

TO SECSTATE WASHDC 8017

INFO USMISSION USUN NY

USMISSION OECD PARIS

TREASURY DEPT WASHDC

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TREASURY PASS BRADFIELD

E.O. 11652: N/A

TAGS: EGEN, UNCTAD, ETRD

SUBJECT: UNCTAD TDB XIV: CERDS - GROUP B MEETING

1. CONCERNED THAT MEXICAN PROPOSALS TO HOLD ADDITIONAL WORKING GROUP MEETINGS IN NEW YORK IN OCTOBER WOULD PREJUDICE POSSIBILITIES OF CURRENT GENEVA CONSULTATIONS, GROUP B ON SEPTEMBER 2 DECIDED THAT ACTING CHAIRMAN TEESE (AUSTRALIA) SHOULD APPROACH CASTANEDA TO PROPOSE THAT: (A) NO ANNOUNCEMENT OF ANY FUTURE MEETINGS BE MADE AT LEAST UNTIL THE END OF CONTACT GROUP SESSION; (B) CONTACT GROUP AGENDA FOCUS FIRST ON INVESTMENT ISSUES (PARAS 2, 10 AND 11), NEXT ON NON-DISCRIMINATION IN TRADE (PARA 3 AND 19), AND FINALLY ON "NEW" SUBJECTS, I.E. INDEXATION, PRODUCERS CARTELS, ETC., WITH SPECIFIC TIME ALLOCATIONS FOR EACH SUBJECT.

2. TEESE LATER REPORTED CASTANEDA AGREED TO THESE PROPOSALS.

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3. AT GROUP B DISCUSSION, FRANCE, SPEAKING FOR SOME EC MEMBERS AND JOINED BY JAPAN, QUESTIONED PROPOSED U.S.

STARTING POSITION (I.E. ACCEPT BRILLANTES TEXT PROVIDED LAST SENTANCE AMENDED TO READ "INTERNATIONAL OBLICATIONS"). THE CRITICISM RAISED ISSUES (E.G., OMISSION OF "PUBLIC PURPOSE" AND "NON-DISCRIMINATION" ALNGUAGE WHEN ACCORDING THE RIGHT TO NATIONALIZE) WHICH, AS FREELAND (UK) LATER PRIVATELY TOLD USDEL, CLEARLY ARE NOT NEGOTIABLE AT THIS STATE.

4. CRITICISM ALSO FOCUSED ON "RIGHTS AND DUTIES OF STATES" ALTERNATIVE TO "INTERNATIONAL OBLIGATIONS", LARGELY ON GROUND THAT LDC'S COULD CLAIM THAT LANGUAGE MERELY REFERRED IN CIRCULAR FASHION TO THE RIGHTS AND DUTIES OF THE CHARTER ITSELF AND NOT TO THOSE ARISING UNDER INTERNATIONAL LAW.

5. USDEL NOTED THAT THE MAW-RABASA TEXT (BRILLANTES WITH SUBSTITUTION OF INTERNATIONAL OBLIGATIONS) WAS NOT IDEAL AND HAD DEFECTS OF WHICH WE WERE WELL AWARE. THE TEXT, HOWEVER, WAS INTENDED TO BE A VIABLE COMPROMISE, AND WOULD BE DECIDED ADVANCE OVER OTHER RESOLUTIONS PRODUCED BY UN IN RECENT YEARS ON NATIONALIZATION AND FOREIGN INVESTMENT. IT WOULD BE AN ACHIEVEMENT IF UNGA WOULD AFFIRM BINDING FORCE OF INVESTMENT AGREEMENT AND THE OBLIGATION TO PAY JUST COMPENSATION. THESE POINTS WARMLY ENDORSED BY AUSTRALIA AND CANADA AND ACKNOWLEDGED BY FRANCE AND JAPAN.

6. GROUP B AGREED THAT IT SHOULD TRY TO PUT BURDEN ON THE GROUP OF 77 TO GO FORWARD IN MAKING COMMENTS ON THE BRILLANTES TEXT. AS MINIMUM POSITION, GROUP B WILL MAKE IT CLEAR THAT IT CONTINUES TO ACCEPT BRILLANTES TEXT AS A PROMISING BASIS FOR NEGOTIATION.DALE

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